



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do **NOT** use for expedited rule making**Agency:** Department of Social and Health Services, Aging and Disability Services Administration

- ☒ Preproposal Statement of Inquiry was filed as WSR 06-18-083; or
☐ Expedited Rule Making--Proposed notice was filed as WSR _____; or
☐ Proposal is exempt under RCW 34.05.310(4).

- ☒ Original Notice
☐ Supplemental Notice to WSR
☐ Continuance of WSR

Title of rule and other identifying information: (Describe Subject)

In this proposal, the department is:

- Amending WAC 388-112-0250, What is Cardiopulmonary Resuscitation (CPR) training?
- Amending WAC 388-112-0270, Who must take residential care administrator training and when?
- Adding sections in Chapter 388-112 WAC, Residential Long-Term Care Services, related to requirements for Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome (HIV/AIDS) training.

Hearing location(s):

Blake Office Park East – Rose Room
4500 – 10th Ave. SE
Lacey, Washington 98503
(One block north of the intersection of Pacific Ave.
SE and Alhadeff Lane, behind Goodyear Tire. A
map or directions are available at
<http://www1.dshs.wa.gov/msa/rpau/docket.html> or
by calling 360-664-6097)

Date: **December 5, 2006** Time: **10:00 a.m.****Submit written comments to:**

Name: DSHS Rules Coordinator
Address: PO Box 45850, Olympia WA, Olympia, WA 98504
Delivery: 4500 – 10th Ave. SE, Lacey, Washington 98503
E-mail: fernaax@dshs.wa.gov Fax: (360) 664-6185
by **5:00 p.m. on December 5, 2006**

Assistance for persons with disabilities: Contact Stephanie
Schiller, DSHS Rules Consultant by December 1, 2006
TTY (360) 664-6178 or (360) 664-6097 or
by e-mail at schilse@dshs.wa.gov

Date of intended adoption: Not earlier than December 6,
2006 (Note: This is **NOT** the **effective** date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

Chapter 249, Laws of 2006 (RCW 70.128.120) requires that all prospective adult family home providers take the residential care administrator training prior to being licensed. The purpose of the new language in WAC 388-112-0270 is to add this requirement. The purpose for new language in WAC 388-112-0250 is to clarify that CPR training must include written and skills tests. The purpose of new rules in Chapter 388-112 WAC is to add content requirements for HIV/AIDS training.

Reasons supporting proposal: See above.

Statutory authority for adoption: RCW 74.08.090; RCW
18.20.090; RCW 70.128.040; Chapter 70.128 RCW

Statute being implemented: RCW 74.08.090; RCW
18.20.090; RCW 70.128.040; Chapter 70.128 RCW as
amended by Chapter 249, Laws of 2006

Is rule necessary because of a:

- | | | |
|-------------------------|------------------------------|--|
| Federal Law? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

If yes, CITATION:

DATE

10/26/06

NAME (type or print)

Andy Fernando

SIGNATURE**TITLE**

Manager, Rules and Policies Assistance Unit

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

OCT 31 2006

TIME 3:12 AM
WSR 06-22-079 PM

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

None.

Name of proponent: (person or organization) Department of Social and Health Services

- ☐ Private
☐ Public
☒ Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting.....	Barbara Hanneman	P.O. Box 45600, Olympia, WA 98504-5600	(360) 725-2540
Implementation....	Barbara Hanneman	P.O. Box 45600, Olympia, WA 98504-5600	(360) 725-2540
Enforcement.....	Barbara Hanneman	P.O. Box 45600, Olympia, WA 98504-5600	(360) 725-2540

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

☐ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone ()

fax ()

e-mail

☒ No. Explain why no statement was prepared.

The Department has analyzed these rules and determined that no new costs will be imposed on small businesses or non-profits; or costs, if any, would be minor.

Is a cost-benefit analysis required under RCW 34.05.328?

☒ Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name: Tiffany Sevrut

Address: Home and Community Services

P.O. Box 45600

Olympia, WA 98504-5600

phone (360) 725-2538

fax (360) 407-7582

e-mail sevruta@dshs.wa.gov

☐ No: Please explain:

AMENDATORY SECTION (Amending WSR 06-16-072, filed 7/28/06, effective 8/28/06)

WAC 388-112-0250 What is CPR training? Cardiopulmonary resuscitation (CPR) training is training that requires successful completion of skills testing and is provided by an authorized CPR instructor.

NEW SECTION

WAC 388-112-02605 What is HIV/AIDS training? HIV/AIDS training is training that meets the Department of Health and Washington Industrial Safety and Health Act (WISHA) standards.

NEW SECTION

WAC 388-112-02610 What content must be included in HIV/AIDS training? HIV/AIDS training must be taught in classroom style, using the Washington State Department of Health's "KNOW HIV Prevention Education for Health Care Facility Employees" manual, in a minimum of 2-3 hours, and by an expert instructor who can answer technical questions. Topics must include all of the following:

- (1) Causes of HIV and how it is spread, including:
 - (a) Reported cases in the United States and Washington State;
- and
- (b) Risk groups and risky behaviors.
- (2) Transmission and infection control, including:
 - (a) Infection control precautions;
 - (b) Factors affecting the risk for transmission; and
 - (c) Risks for transmission to health care workers.
- (3) Legal and ethical issues, including:
 - (a) Confidentiality;
 - (b) Informed consent;
 - (c) Legal reporting requirements;
 - (d) Ethical issues; and
 - (e) Civil rights.
- (4) Psychosocial issues, including:
 - (a) Personal impact of HIV continuum;
 - (b) The human response to death and dying;
 - (c) Issues for care providers;
 - (d) Family issues; and
 - (e) Special populations.

NEW SECTION

WAC 388-112-02615 Is competency testing required for HIV/AIDS training? No competency testing is required for HIV/AIDS training.

NEW SECTION

WAC 388-112-02620 Is there a challenge test for HIV/AIDS training? There is no challenge test for HIV/AIDS training.

NEW SECTION

WAC 388-112-02625 What documentation is required for completion of HIV/AIDS training? HIV/AIDS training must be documented by a certificate of completion issued by the instructor or training entity to include:

- (1) The name of the trainee;
- (2) The name of the training curriculum;
- (3) The name of the home or training entity giving the training;
- (4) The instructor's name and signature;
- (5) The date(s) of the training session; and
- (6) The trainee must be given an original certificate. A home must keep a copy of the certificate on file.

NEW SECTION

WAC 388-112-02630 Who is required to complete HIV/AIDS training, and when?

Adult family homes:

(1) Licensed, certified or registered staff must meet the HIV/AIDS training requirements for their specific Department of Health license, certification or registration.

(2) All other adult family home staff who may have potential exposure to bodily fluids must meet the HIV/AIDS requirements before having routine interaction with any resident.

Boarding homes:

(3) Licensed, certified, or registered staff must meet the HIV/AIDS training requirements for their specific Department of Health license, certification, or registration.

(4) All other boarding home staff who may have potential exposure to bodily fluids must meet the HIV/AIDS requirements before having routine interaction with any resident.

AMENDATORY SECTION (Amending WSR 02-15-066, filed 7/11/02, effective 8/11/02)

WAC 388-112-0270 Who must take the forty-eight hour adult family home residential care administrator training and when? Providers licensed prior to December 31, 2006: Before operating more than one adult family home, the provider (including an entity representative as defined under chapter 388-76 WAC) must successfully complete the department approved forty-eight hour residential care administrator training.

Prospective providers applying for a license after January 1, 2007: Before a license for an adult family home is granted, the prospective provider must successfully complete the department approved forty-eight hour residential care administrator training for adult family homes.